

Notice of Allowability

Application No.

10/039,991

Examiner

Brian P. Egan

Applicant(s)

STEFFIER, WAYNE S.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Am. filed 3/8/04.
2. ☒ The allowed claim(s) is/are 1-3 and 5-20.
3. ☒ The drawings filed on 08 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

NOTICE OF ALLOWANCE

Response to Amendment

1. The Declaration of Robert Holzl under 37 CFR 1.132 filed March 8, 2004 is sufficient to overcome the rejection of claims 1-3 and 5-20 based upon the teachings of Haidn et al. (#6,151,887).

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Morland C. Fischer on March 29, 2004.

The application has been amended as follows:

IN THE CLAIMS:

CLAIM 2:

Line 1, delete the word "Amended" after the word "Previously".

Line 1, insert the word -- presented -- after the word "Previously".

CLAIM 3:

Line 1, delete the word "Amended" after the word "Previously".

Line 1, insert the word -- presented -- after the word "Previously".

CLAIM 5:

Line 1, delete the word "Amended" after the word "Previously".

Line 1, insert the word -- presented -- after the word "Previously".

CLAIM 9:

Line 1, delete the word "Amended" after the word "Previously".

Line 1, insert the word -- presented -- after the word "Previously".

CANCEL CLAIMS 22-52

Reason's For Allowance

3. The following is an examiner's statement of reasons for allowance: the invention as claimed, namely a ceramic matrix composite tubular shell structure having an inner wall, an outer wall and a plurality of cooling channels formed between the inner wall and outer wall wherein the ceramic matrix composite tubular shell structure comprises a fibrous preform of (fully encapsulated) refractory fibers extending between the inner and outer walls and around the plurality of cooling channels is neither anticipated nor fairly suggested by the prior art of record.

The closest prior art of record, Haidn et al. ('887) fails to teach the use of refractory fibers between the inner and outer walls and around the plurality of cooling channels to maximize the structural integrity of the shell structure. Haidn et al.'s failure to anticipate or

Art Unit: 1772

render obvious the refractory fiber feature is supported both by the Applicant's remarks filed March 8, 2004 as well as the Declaration of Robert Holzl filed on the same date. None of the secondary references of record alleviate this deficiency in Haidn et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Egan whose telephone number is 571-272-1491. The examiner can normally be reached on M-F, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. P. E.
BPE 3/30/04

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

3/31/04